

REMARKS

The Office Action mailed on May 6, 2003 has been reviewed and the Examiner's comments carefully considered. Claims 1 and 3 are amended. None of the claims are cancelled. Thus, claims 1, 3, 5-11, and 14-17 remain pending and are submitted for reconsideration.

Drawings

The drawings are objected to for failing to show "any type of pivotal movement." The objection should be withdrawn because, for example, Fig. 2 shows that the front frame member 18, pivots at the connection between the block 24 and the mounting bracket 31. Fig. 2 contains an arrow indication the upward and downward movement of the member 18 as a result of the pivoting connection. Further by way of example, Fig. 1 discloses pivotal movement between the side rails 17 and the vehicle body at the connection between the rail 17, the mounting block 24 and the bracket 21. (See also, application at page 5, lines 17-21).

Specification

The specification has been amended as requested by the Examiner. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1, 3, 5-11 and 14-17 are rejected under 35 U.S.C. § 112, second paragraph as indefinite. Amendments to claims 1 and 3 have been made where appropriate. Reconsideration and withdrawal of the rejection is respectfully requested.

The Office Action recites that "if there is only one sensor, then the sensor can not be installed at one of the left and right sides of a seat frame." Applicant directs the Examiner's attention to Fig. 3 of the present application, which discloses an exemplary embodiment of the claimed arrangement.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1, 3, 5-11 and 14-17 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly fails to provide adequate written description and enablement for the claimed invention. In particular, the Examiner contends that the specification does not describe “a mounting structure that permits movement of the seat in response to the load applied to the seat so that a part of the load applied to the seat is not measured by any load sensor.” The rejection should be withdrawn because the specification contains several examples of the claimed invention. For example, the application recites the following language:

The load applied to the right seat rail 17R is absorbed by the pivotal movement of the right seat rail at the pivotally connected portion. On the other hand, the load applied to the left seat rail 17L is received by the load sensor 25.

(Application at p. 7, lines 20-23). The language set forth above, provides one example of the support in the specification for the claimed invention and is sufficient to overcome the rejection.

Also, the specification and drawings are clearly enabling to one of ordinary skill in the art with regard to the pivotal motion of the block 24 in relation to the mounting brackets 31. For example, the Examiner’s attention is directed to Fig. 2, which clearly discloses the head OF a pivot pin at the connection between the bracket 31 and the block 24. Such a disclosure is clearly adequate to enable one of ordinary skill in the art to make and use the invention. Reconsideration and withdrawal of the rejection is respectfully requested.

Prior Art Rejections

Claims 1, 3, 5-11 and 14-17 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,069,095 (the “’095 patent”). The rejection should be withdrawn because the ‘095 patent is not prior art to the present application. The sole inventor of the present application, Mr. Aoki, was also the sole inventor on the ‘095 patent. 35 U.S.C. § 102(e) requires that the prior art reference be the work of “another.” The ‘095 patent is Mr. Aoki’s own work, therefore, the ‘095 patent is not the work of “another” and does not qualify as prior art. Thus, the rejection should be withdrawn.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would expedite allowance of the application.

Respectfully submitted,

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